

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office OCT 06 2003

Returned to applicant for correction _____

Corrected application filed JAN 28 2004Map filed JAN 28 2004 under 70497

The applicant **Lawrence W. Ruvo Living Trust**, dated 1989 hereby makes application for permission to change the **Point of Diversion and Place of Use** of a portion of water heretofore appropriated under **Permit No. 52271**.

1. The source of water is **Glenbrook Creek and tributaries (see Item 15)**.
2. The amount of water to be changed **0.042 CFS not to exceed 14.012 AFA (see attached)**.
3. The water to be used for **Irrigation**.
4. The water heretofore permitted for **Irrigation**.
5. The water is to be diverted at the following point **within SE¼ SE¼ of Section 10, T.14N., R.18E., M.D.M. from which the southeast corner of said Section 10 bears S 21°05'08" E, a distance of 1,121.46 feet (see attachment)**.
6. The existing permitted point of diversion is located within **the SW¼ SW¼ of Section 11, T.14N., R.18E., M.D.M. from which the southwest corner of said Section 11 bears S 40°56'00" W, a distance of 1,554.30 feet**.
7. Proposed place of use **Portions of Section 10, T.14N., R.18E., M.D.M. totaling 31.045 acres (see attachment). Also see Item 15, Remarks**.
8. Existing place of use **Portions of Section 10, T.14N., R.18E., M.D.M. as follows: 3.503 acres in Lot 3**.
9. Use will be from **May 1 to October 15** of each year.
10. Use was permitted from **May 1 to October 15** of each year.
11. Description of proposed works **Infiltration well, pump, pipelines, standpipes, distribution ditches and pipelines**.
12. Estimated cost of works **\$50,000**
13. Estimated time required to construct works **three years**
14. Estimated time required to complete the application of water to beneficial use **five years**
15. Remarks: **See attachment**.

By: **Milton L. Sharp, Agent**
s/Milton L. Sharp
1170 Financial Blvd., No. 650
Reno, NV 89502

Compared cmf/sam dl/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Glenbrook Creek and Tributaries, as heretofore appropriated under Permit 52271, which changed the point of diversion and place of use of a portion of the waters of Glenbrook Creek and Tributaries as heretofore appropriated under Proof 02148 as appears in the Matter of the Determination of the Relative Rights of the Claimants and Appropriators in and to the waters of Glenbrook Creek and its Tributaries, in the District Court of the First (now 9th) Judicial District of the State of Nevada, in and for the County of Douglas, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of the water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed.

This permit is subject to the final allocation of the State of Nevada under the California-Nevada Interstate Compact Commission. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 70497, 70498, and 70499 shall not exceed 92.796 acre-feet seasonally for the irrigation of 23.199 acres within the described place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well during the irrigation season and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.042 cubic feet per second, but not to exceed 14.012 acre-feet seasonally, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

June 10, 2007

Proof of completion of work shall be filed on or before:

July 10, 2007

Water must be placed to beneficial use on or before:

June 10, 2010

Proof of the application of water to beneficial use shall be filed on or before:

July 10, 2010

Map in support of proof of beneficial use shall be filed on or before:

July 10, 2010

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 10th day of June, A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



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ATTACHMENT

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION,
MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA, HERETOFORE APPROPRIATED
UNDER PERMIT NO. 52271

Response to Item 2, Amount of Water to be Changed.

See Report of Conveyance dated January 20, 1997, The Glenbrook Company as Current Holder to Lawrence W. Ruvo Living Trust dated 1989, as New Holder. Total appropriation under Permit No. 52271 is 0.095 cubic feet per second, not to exceed 31.68 acre feet annually, and not to exceed a seasonal duty of 4.0 acre feet per acre of land irrigated from any and/or all sources. Total area of Place of Use for water appropriated under Permit No. 52271 is 7.92 acres, of which 3.503 acres, or 44.230 percent of the Place of Use, are lands owned by the Ruvo Trust.

Amount of water affected by this Application is the portion of water appropriated under Permit No. 52271 and conveyed to the Ruvo Trust as described in the Report of Conveyance, dated January 20, 1997, determined as follows:

Seasonal duty of water of 4.0 acre feet per acre applied to 3.503 acres of land is 14.012 acre feet annually.

Diversion rate for water appropriated by the Ruvo Trust is 44.230 percent of 0.095 CFS, which equals 0.042 CFS.

There are no other appropriations of water for irrigation which apply to the lands of the Ruvo Trust affected by this application.

Response to Item 7, Proposed Place of Use.

Portions of Section 10, T. 14 N., R. 18 E., M.D.M. as follows:

Lot 5	0.64 acres
SE ¼ SE ¼	20.878 acres
Lot 3	4.475 acres, North of Glenbrook Creek
Lot 3	<u>5.052 acres, South of Glenbrook Creek</u>
Total	31.045 acres

Response to Item 15, Remarks.

Portions of water previously appropriated by the Applicant under Permits No. 52271 and 52272 from Glenbrook Creek and under Certificate of Record No. 349 from North Logan Creek (also known as North Logan House Creek) will be allowed to flow into Lake Tahoe where all the appropriations will be commingled within the mass of Lake Tahoe water. The commingled appropriations will be diverted from Lake Tahoe through an infiltration well to be constructed at the point of diversion

designated in Item 5. Place of Use for the commingled appropriations will be as indicated in Item 7.

The total amount of water appropriated under the three existing water rights is limited to a seasonal duty of water of 4.0 acre feet per acre of land, applied to 23.199 acres of Ruvo Trust lands, a total maximum appropriation of 92.796 acre feet annually from all sources of which 14.012 acre feet will be provided from the appropriation under Permit No. 52271.